



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The tenants did not appear at the hearing. The landlord testified that each tenant was notified of this hearing via registered mail sent to the rental unit. The landlord provided two registered mail tracking numbers as proof of service. Having been satisfied the tenants were served with notice of this hearing I proceeded to hear from the landlord without the tenants present.

At the commencement of the hearing the landlord stated the tenants have paid the outstanding rent and there is an agreement for the tenants to vacate the rental unit at the end of January 2011. The landlord requested an Order of Possession effective January 31, 2011 to ensure vacant possession is returned by the tenants.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord provided the following undisputed evidence. The one year fixed term tenancy commenced July 23, 2010 and the tenants paid a \$1,000.00 security deposit. The tenants are required to pay rent of \$2,000.00 on the first day of every month. The tenants rent cheque for December 2010 was returned for insufficient funds and on December 7, 2010 the landlord served one of the tenants (referred to by initials MB) with a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice). The tenants paid the outstanding rent on December 23, 2010 after the landlords had made this application.

Included in the landlord's evidence was a copy of the tenancy agreement, the returned cheque and the 10 Day Notice to End Tenancy.

Analysis

Where tenants receive a 10 Day Notice the tenants have five days to pay the outstanding rent or dispute the Notice. Otherwise, the tenants are conclusively presumed to have accepted the Notice and must vacate the rental unit by the effective date. I am satisfied the landlord sufficiently served the tenants with a 10 Day Notice and the tenants did not pay the outstanding rent or dispute the Notice within five days of receiving the Notice. Accordingly, I find the tenancy has ended for unpaid rent.

In light of the above, I grant the landlord's request for an Order of Possession effective January 31, 2011. The Order of Possession must be served upon the tenants and may be enforced through The Supreme Court of British Columbia.

I award the filing fee to the landlord and authorize the landlord to deduct \$50.00 from the security deposit in satisfaction of this award.

Conclusion

The landlord has been provided an Order of Possession effective January 31, 2011 as requested by the landlord. The landlord is authorized to deduct \$50.00 from the security deposit to recover the cost of filing this application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 18, 2011.

Residential Tenancy Branch